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HD. QRS. DEPARTMENT NORTHERN VA.
December 7, 1864.

GENERAL ORDERS, }
No. 69. }

I. Before a General Court Martial, convened at the Camp of Hoke's Division, by virtue of Special Orders, No. 277, Head Quarters, Department of Northern Virginia (current series), were arraigned and tried the following named prisoners:

1.—Private L. R. BYERS, Company B, 23d Ga. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private L. R. Byers of Company B, of the twenty-third Regiment of Georgia Troops, to be kept at hard labor, under guard, upon the lines of his regiment, six hours of every day (Sundays excepted) for a period of six calendar months, having a ball weighing twelve pounds attached to his left leg by a chain three feet in length, and wearing upon his back a placard, marked "deserter;" to be kept in close confinement during the intervals of labor, and to go into every action with his company during the time—upon which occasions this punishment will be suspended.

2.—Private JOHN MCELDRATH, Company B, 27th S. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty:

SENTENCE.

And the Court do therefore sentence him Private John McElrath, of Company B, of the twenty-seventh Regiment of South Carolina Volunteers, to be kept at hard labor, under guard, upon the lines of his regiment, six hours of every day (Sundays excepted) for a period of six calendar months, having a ball weighing twelve pounds attached to his left leg by a chain three feet in length, and wearing upon his back a placard, marked "deserter;" to be kept in close confinement during the intervals of labor, and to go into every action with his company during the time—upon which occasions this punishment will be suspended.

3.—Private JESSE TAYLOR, Company E, 17th N. C. Troops.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private Jesse Taylor of Company E, of the seventeenth Regiment of North Carolina Troops, to be kept at hard labor, under guard, upon the lines of his regiment, six hours of every day (Sundays excepted) for a period of six calendar months, having a ball weighing twelve pounds attached to his left leg by a chain three feet in length, and wearing upon his back a placard, marked "deserter;" to be kept in close confinement during the intervals of labor, and to go into every action with his company during the time—upon which occasions this punishment will be suspended.

4.—Private R. B. TURNAGE, Company E, 21st S. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private R. B. Turnage of Company E, of the twenty-first Regiment of South Carolina Volunteers, to be kept at hard labor upon the lines of his regiment, six hours of every day (Sundays excepted) for a period of six calendar months, wearing upon his back a placard, marked "deserter;" to be kept in close confinement during the intervals of labor, and to go into every action with his company during the time—upon which occasions this punishment will be suspended.

5.—Private JOHN J. LOVE, Company H, 42d N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private John J. Love of Company H, of the forty-second North Carolina Regiment, to be kept at hard labor, under guard, upon the lines of his regiment, six hours of every day (Sundays excepted) for a period of six calendar months, wearing upon his left leg a ball weighing twelve pounds, attached thereto by a chain three feet in length, and upon his back a placard, marked "deserter;" to be kept in close confinement during the intervals of labor, and to go into every action with his company during the time—upon which occasions this punishment will be suspended.

6.—Corporal J. P. IDOL, Company A, 42d N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Corporal J. P. Idol of Company A, of the forty-second Regiment of North Carolina Troops, to be reduced to the ranks of his company; and to be kept at hard labor, under guard, upon the lines of his regiment, six hours of every day (Sundays excepted) for a period of six calendar months, forfeiting all his pay during the said time (the just dues of the laundress excepted), having a ball weighing twenty-four pounds attached to his left leg by a chain three feet in length, and wearing upon his back a placard, marked "deserter;" to be kept in close confinement during the intervals of labor, and to go into every engagement with his company during the time—on which occasions this punishment, excepting the forfeiture of his pay, will be suspended.

7.—Private JOHN ARNOLD, Company D, 66th Regiment N. C. Troops.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private John Arnold of Company D, of the sixty-sixth Regiment of North Carolina Troops, to be kept at hard labor, under guard, upon the lines of his regiment, six hours of every day (Sundays excepted) for a period of six calendar months, having a ball weighing twelve pounds attached to his left leg by a chain three feet in length, and wearing upon his back a placard, marked "deserter;" to be kept in close confinement during the intervals of labor, and to go into every action with his company during the time—upon which occasions this punishment will be suspended.

8.—Private JOHN J. HINES, Company C, 66th N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private John J. Hines of Company C, of the sixty-sixth North Carolina Troops, to be kept at hard labor, under guard, upon the lines of his regiment, six hours of every day (Sundays excepted) for a period of six months, having a ball weighing twelve pounds attached to his left leg by a chain three feet in length.

and wearing upon his back a placard, marked "deserter;" to be kept in close confinement during the intervals of labor, and to go into every action with his company during the time—upon which occasions this punishment is to be suspended.

9.—Private LEVI WOOD, Company D, 66th Regiment N. C. Troops.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private Levi Wood of Company D, of the sixty-sixth Regiment of North Carolina Troops, to be kept at hard labor, under guard, upon the lines of his regiment, six hours of every day (Sundays excepted) for a period of six months, having a ball weighing twelve pounds attached to his left leg by a chain three feet in length, and wearing upon his back a placard, marked "deserter;" to be kept in close confinement during the intervals of labor, and to go into every action with his company during the time—upon which occasions this punishment will be suspended.

10.—Private A. W. OLIVER, Company K, 66th Regiment N. C. Troops.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private A. W. Oliver of Company K, of the sixty-sixth Regiment North Carolina Troops, to be kept at hard labor, under guard, upon the lines of his regiment, six hours of every day (Sundays excepted) for a period of six calendar months, having a ball weighing twelve pounds attached to his left leg by a chain three feet in length, and wearing upon his back a placard, marked "deserter;" to be kept in close confinement during the intervals of labor, and to go into every action with his company during the time—upon which occasions this punishment will be suspended.

11.—Private WILLIAM MOORE, Company D, 66th Regiment N. C. Troops.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private William Moore of Company D, of the sixty-sixth Regiment of North Carolina Troops, to

be kept at hard labor upon the lines of his regiment, under guard, six hours of every day (Sundays excepted) for a period of six months, having a ball weighing twelve pounds attached to his left leg by a chain three feet in length, and wearing upon his back a placard, marked "deserter;" to be kept in close confinement during the intervals of labor, and to go into every engagement with his company during the time—upon which occasions this punishment will be suspended

12.—Private W. H. STALLINGS, Company K, 66th Regiment N. C. Troops.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private W. H. Stallings of Company K, of the sixty-sixth Regiment of North Carolina Troops, to be kept at hard labor, under guard, upon the lines of his regiment, six hours of every day (Sundays excepted) for a period of six calendar months, having a ball weighing twelve pounds attached to his left leg by a chain three feet in length, and wearing upon his back a placard, marked "deserter;" to be kept in close confinement during the intervals of labor, and to go into every action with his company during the time—upon which occasions this punishment will be suspended.

13.—Private SMITH TURNER, Company F, 27th Ga. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
except the word "desert;" instead of which the
Court finds "absent himself without leave from "

Guilty,

Of Charge,
but guilty of absence without leave.

Not Guilty,

SENTENCE.

And the Court do therefore sentence him Private Smith Turner of Company F, of the twenty-seventh Regiment of Georgia Troops, to be kept in close confinement in the guard house of his regiment for a period of one week.

The Court are thus lenient towards the accused, on account of the absence of criminal intent in his offence, as disclosed by his testimony.

14.—Private WILLIAM S. CAVINDER, Company B, 23d Ga. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private W. S. Cavinder of Company B, of the twenty-third Georgia Regiment, to be kept at hard labor in the penitentiary of the State of Georgia, or such other as the Commanding General may direct, for a period of five years.

15.—Private B. F. CORBIN, Company E, 23d Ga. Regiment.

CHARGE—Desertion.

Of Specification,
Of Charge,

FINDING.

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private B. F. Corbin of Company E, of the twenty-third Georgia Regiment, to be kept at hard labor, under guard, upon the lines of his regiment, six hours of every day (Sundays excepted) for a period of six months, having a ball weighing twenty-four pounds attached to his left leg by a chain three feet in length, and wearing upon his back a placard, marked "deserter;" to be kept in close confinement during the intervals of labor, and to go into every action with his company during the time—upon which occasions this punishment will be suspended.

16.—Private JOHN F. STEWART, Company B, 6th Ga. Regiment.

CHARGE—Desertion.

Specification—In this, that he Private John F. Stewart of Company B, of the sixth Georgia Regiment, a soldier duly enlisted in the military service of the Confederate States, did, on or about the sixteenth day of May, in the year of our Lord eighteen hundred and sixty four, at Drewry's Bluff, in the State of Virginia, while his company and regiment were engaging the enemy, desert the said service, and remained absent therefrom until arrested and brought under guard to his regiment on or about the fourth day of September in the said year.

Of Specification,
Of Charge,

FINDING.

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private John F. Stewart of Company B, of the sixth Georgia Regiment, to be shot to death with musketry, at such time and place as the Commanding General may direct—two-thirds of the Court concurring therein.

17.—Lieut. E. F. STORY, 61st N. C. Regiment.

CHARGE—Neglect of duty.

Of Specification,
Of Charge,

FINDING.

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Lieutenant E. F. Story, of the sixty-first North Carolina Regiment, to be reprimanded in General Orders, by the commanding officer of his brigade.

The Court are thus lenient towards the accused, on account of the absence of any evidence that the neglect of duty charged was wantonly committed by him.

18.—Lient. JOSEPH C. SMITH, Company G, 17th N. C. Regiment.

CHARGE—Disobedience of the lawful orders of his superior officer.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Lieutenant Joseph C. Smith of Company G, of the seventeenth North Carolina Regiment, to be deprived of his rank, pay and command in the military service of the Confederate States for a period of six calendar months—during which time he shall be confined within the limits of his regimental camp.

19.—Private C. C. HINES, Company C, 61st N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private Charles C. Hines of Company C, of the sixty-first North Carolina Regiment, to be kept at hard labor, under guard, within the limits of his regimental camp, six hours of every day (Sundays excepted) for a period of twelve calendar months, wearing upon his back a placard marked "deserter;" to be kept in close confinement during the intervals of labor, and to go into every action with his company during the time—upon which occasions this punishment will be suspended.

20.—Private JAMES W. WILLIAMS, Company I, 17th N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private James W. Williams of Company I, of the seventeenth North Carolina Regiment, to be kept at hard labor, under guard, upon the lines of his regiment, six hours of

every day (Sundays excepted) for a period of eighteen calendar months, having a ball weighing twelve pounds attached to his left leg by a chain three feet in length, and wearing upon his back a placard, marked "deserter;" to be kept in close confinement during the intervals of labor, and to go into every action with his company during the time—upon which occasions this punishment will be suspended.

21.—Private JOHN TRIVETT, Company B, 42d N. C. Regiment.

CHARGE—Desertion.

Specification—In this, that he Private John Trivett of Company B, of the forty-second North Carolina Regiment, a duly enlisted soldier in the service of the Confederate States, did, on or about the thirty-first day of August one thousand eight hundred and sixty-three, at or near Kinston, in the State of North Carolina, desert the said service, and did remain absent therefrom until on or about the twenty-seventh day of August, in the year of our Lord one thousand eight hundred and sixty-four, when he was brought under guard to his command, then at or near Petersburg, in the State of Virginia.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private John Trivett of Company B, of the forty-second North Carolina Regiment, to be shot to death with musketry, at such time and place as the Commanding General may direct—two-thirds of the Court concurring therein.

22.—Private MARTIN JONES, Company D, 42d N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
except the word "desert;" instead of which the
Court finds "absent himself without leave from."
Of Charge,
but guilty of absence without leave.

Guilty,

Not Guilty,

SENTENCE.

And the Court do therefore sentence him Private Martin Jones of Company D, of the forty-second North Carolina Regiment, to be kept at hard labor, under guard, within the limits of his regimental camp, six hours of every day (Sundays excepted) for a period of six calendar months, having a ball weighing twelve pounds attached to his left leg by a chain three feet in length, and wearing upon his back a placard, marked "absent without leave;" to be kept in close confinement during the intervals of labor, and to go into every action with his company during the time—upon which occasions this punishment will be suspended.

23.—Asst. Surgeon JAMES G. ARMSTRONG, 17th N. C. Regiment.

CHARGE—Disobeying the lawful command of his superior officer.

FINDING.

Of 1st Specification,
Of 2d Specification,
Of 3d Specification,
Of Charge,

Not Guilty.
Not Guilty.
Not Guilty.
Not Guilty.

And the Court do therefore acquit him Assistant Surgeon James G. Armstrong, of the seventeenth North Carolina Regiment, of the charge and specifications preferred against him.

II. The proceedings, findings and sentences in the foregoing cases are approved. The sentences are confirmed, and will be duly executed.

The sentences requiring the condemned to work upon their regimental lines, or within the limits of their regimental camp, will be executed under the direction of their respective brigade commanders.

Such of the sentences in cases of desertion as are less than the minimum fixed by law (viz: one year's confinement), are in so far disapproved.

The sentence of Private William S. Cavinder of Company B, of the twenty-third Georgia Regiment, will be executed under the direction of the commanding officer at Richmond, Virginia, to whom he will be sent, with a copy of his sentence.

The sentence of Private John F. Stewart of Company B, of the sixth Georgia Regiment, and of Private John Trivett of Company B, of the forty-second North Carolina Regiment, will be executed in the presence of their respective brigades, seven days after the publication of their sentences to the same respectively, under the direction of their division commander.

Assistant Surgeon James G. Armstrong, of the seventeenth North Carolina Regiment, and Lieutenant E. F. Story, of the sixty-first North Carolina Regiment, will resume their swords.

III. Before a General Court Martial, convened at Petersburg, Virginia, by virtue of Special Orders, No. 202, Head Quarters, Department of Northern Virginia (current series), were arraigned and tried the following named prisoners:

1.—Captain MILES C. MACON, of the Fayette Artillery.

CHARGE 1st—Embezzling and attempted selling of horses belonging to the Confederate States

CHARGE 2d—Conduct to the prejudice of good order and military discipline.

FINDING.

Of 3d Specification of 2d Charge,

Not Guilty.

The second Specification of second Charge having reference to conduct of the accused which took place more than two years anterior to the issuing of the order for trial, the Court make no finding.

The first Specification of second Charge having reference to the conduct of the accused for more than two years anterior to the issuing of the order for trial, the Court make no finding.

Of 2d Charge,

Not Guilty.

Of 5th Specification of 1st Charge,

Guilty,

but the Court attach no criminality to it.

Of 4th Specification of 1st Charge,

Not Guilty,

but guilty of irregularities in exchanging private for public horses.

Of 3d Specification of 1st Charge,

Not Guilty.

Of 2d Specification of 1st Charge,

Not Guilty.

Of 1st Specification of 1st Charge,

Not Guilty,

but guilty of using, and allowing to be used by an officer in his battery, a government horse.

Of 1st Charge,

Not Guilty,

but guilty of conduct to the prejudice of good order and military discipline

SENTENCE.

And the Court do therefore sentence him Captain Miles C. Macon of the Fayette Artillery, to be publicly reprimanded by the General commanding.

2.—Second Lieutenant P. A. DAVIDSON, Company A, 1st Va. Battalion.

CHARGE—Conduct unbecoming an officer and a gentleman.

FINDING.

Of Specification,

Guilty.

Of Charge,

Guilty.

SENTENCE.

And the Court do therefore sentence him Second Lieutenant P. A. Davidson of Company A, of the first Virginia Battalion, to be dismissed the service.

3.—Second Lieutenant JOHN BECKHAM, Company B, 1st Va. Battalion.

CHARGE—Neglect of duty, to the prejudice of good order and military discipline.

FINDING.

Of Specification,

Not Guilty.

Of Charge,

Not Guilty.

And the Court do therefore acquit him Second Lieutenant John Beckham of Company B, of the first Virginia Battalion.

4.—Second Lieutenant W. T. WOODRUM, Reserve Infirmary Corps.

CHARGE—Conduct to the prejudice of good order and military discipline.

FINDING.

Of Specification,
Of Charge,

Guilty.
Not Guilty.

And the Court do therefore acquit him Second Lieutenant William T. Woodrum, of the Reserve Infirmary Corps.

5.—Second Lieutenant H. L. GUNNELL, Company E, 1st Va. Battalion.

CHARGE—Neglect of duty, to the prejudice of good order and military discipline.

FINDING.

Of Specification,
Of Charge,

Not Guilty.
Not Guilty.

And the Court do therefore honorably acquit Second Lieutenant H. L. Gunnell of Company E, of the first Virginia Battalion.

The Court cannot refrain from expressing their disapprobation of officers preferring charges against their fellow-officers for causes so trivial, productive as it is of mortification to the party charged, and of no benefit to the service.

6.—Private W. H. HEATHCOCK, Company D, 44th Va. Battalion.

CHARGE—Sleeping on post as sentinel.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private William H. Heathcock of Company D, of the forty-fourth Virginia Battalion, to be confined in the guard house of the battalion to which he belongs, for three calendar months, and to wear a ball and chain—the ball to weigh twelve pounds and the chain not to be less than three feet in length, and attached to his left ankle—and to be kept for fourteen days in close confinement on bread and water

7.—Private BIRD GRAY, Company D, 44th Va. Battalion.

CHARGE—Selling his clothes and accoutrements.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private Bird Gray of Com-

pany D, of the forty-fourth Virginia Battalion, to be confined for fourteen days on bread and water, and forfeit one month's pay.

The Court are thus lenient, on account of the youth of the prisoner.

8.—Private JAMES GALVIN, Company A, 1st Va. Battalion.

CHARGE 1st—Drunkenness.

CHARGE 2d—Conduct to the prejudice of good order and military discipline.

FINDING.

Of Specification of 1st Charge,	Guilty.
Of 1st Charge,	Guilty.
Of Specification of 2d Charge,	Guilty.
Of 2d Charge,	Guilty.

SENTENCE

And the Court do therefore sentence him Private James Galvin of Company A, of the first Virginia Battalion, to be confined in the guard house of the provost guard of the Army of Northern Virginia, for two calendar months, to wear a ball and chain—the ball to weigh twelve pounds, and the chain to be not less than three feet in length, and attached to his left ankle—and to police the guard house during his confinement.

9.—Private JAMES MURPHY, Company A, 1st Va. Battalion.

CHARGE—Neglect of duty.

FINDING.

Of Specification,	Not Guilty.
Of Charge,	Not Guilty.

And the Court do therefore acquit him Private James Murphy of Company A, of the first Virginia Battalion.

10.—Private WILLIAM MCGOWAN, Company B, 1st Va. Battalion.

CHARGE—Neglect of duty.

FINDING.

Of Specification,	Not Guilty.
Of Charge,	Not Guilty.

And the Court do therefore acquit him Private William McGowan of Company B, of the first Virginia Battalion.

11.—Corporal ROBERT GOLDSBY, Company C, 1st Va. Battalion.

CHARGE—Neglect of duty, to the prejudice of good order and military discipline.

FINDING.

Of Specification,	Not Guilty.
Of Charge,	Not Guilty.

And the Court do therefore acquit him Corporal Robert Goldsby of Company C, of the first Virginia Battalion.

12.—Private T. H. SALMON, Company D, 44th Va. Battalion.

CHARGE—Sleeping on post as sentinel.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private T. H. Salmon of Company D, of the forty-fourth Virginia Battalion, to be kept on bread and water, in solitary confinement, for fourteen days.

13.—Second Lieut H. C. HEWETT, Company C, 1st Va. Battalion.

CHARGE—Neglect of duty, to the prejudice of good order and military discipline.

FINDING.

Of 1st Specification,
Of 2d Specification,
Of Charge,

Guilty.
Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Second Lieutenant H. C. Hewett of Company C, of the first Virginia Battalion, to be publicly reprimanded by the commanding officer of his battalion.

14.—Private PATRICK DOULAN, Company D, 1st Va. Battalion.

CHARGE—Desertion, with the intention of going to the public enemy.

FINDING.

Of Specification,
Of Charge,

Not Guilty.
Not Guilty.

And the Court do therefore acquit him Private Patrick Doulan of Company D, of the first Virginia Battalion.

15.—Corporal JOHN CALLAHAN, Company E, 1st Va. Battalion.

CHARGE—Neglect of duty, to the prejudice of good order and military discipline.

FINDING.

Of Specification,
Of Charge,

Not Guilty.
Not Guilty.

And the Court do therefore acquit him Corporal John Callahan of Company E, of the first Virginia Battalion.

16.—Private JAMES BURNS, Company A, 1st Va. Battalion.

CHARGE 1st—Leaving his post as sentinel before being regularly relieved.

CHARGE 2d—Conduct to the prejudice of good order and military discipline.

FINDING.

Of Specification of 1st Charge,	Guilty.
Of 1st Charge,	Guilty.
Of 1st Specification of 2d Charge,	Guilty.
Of 2d Specification of 2d Charge,	Not Guilty.
Of 2d Charge,	Guilty.

SENTENCE.

And the Court do therefore sentence him Private James Burns of Company A, of the first Virginia Battalion of Infantry, to be confined at hard labor on public works for three calendar months, and to wear a ball and chain—the ball to weigh twenty-four pounds, and the chain not to be less than three feet in length, and attached to his left ankle.

IV. The proceedings, findings and sentences in the foregoing cases are approved. The sentences are confirmed, and will be duly executed.

To an officer of military spirit the censure of his peers is as severe as it can be made. The words by which it is conveyed cannot intensify it. The Commanding General can therefore add nothing to the censure which the Court have administered to Captain Miles C. Macon of the Fayette Artillery. He will resume his sword.

The Court has admitted in this case much illegal evidence. The testimony relating to the conversations and statements of the accused and of others; that in regard to the motives of the prosecutor; and that in regard to acts occurring subsequently to those charged against the accused, should have been excluded. He certainly could not have been influenced by these, however much misled by those happening previously. The Judge Advocate's objection to the admission of the above evidence was well taken.

The acquitted will be restored to duty.

In the case of Private Bird Gray of Company D, of the forty-fourth Virginia Battalion, the Court should, agreeably to the thirty-eighth Article of War, have taken evidence of the value of the blanket, and ordered the amount refunded.

Lieutenant P. A. Davidson of the first Virginia Battalion ceases from the twenty-fourth day of December, in the year of our Lord eighteen hundred and sixty-four, to be an officer in the Confederate States army, and will be duly enrolled by his commanding officer, agreeably to the provisions of General Orders, No. 24, paragraph II, Adjutant and Inspector General's office (series of 1863).

The sentence of Private James Burns of Company A, of the first Virginia Battalion, will be executed under the direction of the commanding officer at Richmond, Virginia, to whom he will be sent, with a copy of his sentence.

The proceedings in the case of Private Patrick Doulan of Company D, of the first Virginia Battalion, are in so far disapproved as they fail to show that the Court were sworn. The finding is approved, and he will be restored to duty.

V. Before a General Court Martial, convened at the Camp of Hampton's Cavalry Division, by virtue of Special Orders, No. 290, Head Quarters, Department of Northern Virginia (current series), were arraigned and tried the following named prisoners:

1.—Private W. M. TAYLOR, Company G, 4th S. C. Cavalry.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private W. M. Taylor of Company G, of the fourth Regiment of South Carolina Cavalry, to hard labor, with a ball weighing twelve pounds attached to his left leg by a chain three feet long, for the period of five calendar months, at such place as the General commanding may direct.

2.—Private J. D. TAYLOR, Company G, 4th S. C. Cavalry.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private J. D. Taylor of Company G, of the fourth Regiment of South Carolina Cavalry, to hard labor, with a ball weighing twelve pounds attached to his left leg by a chain three feet long, for the period of three calendar months, at such place as the General commanding may direct.

3.—Lieutenant M. C. DICKSON, Company C, 4th S. C. Cavalry.

CHARGE—Drunkenness off duty.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Lieutenant M. C. Dickson of Company C, of the fourth South Carolina Cavalry, to be privately reprimanded by his regimental commander.

4.—Private E. PARKER, Company K, 5th S. C. Cavalry.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private E. Parker of Company K, of the fifth Regiment of South Carolina Cavalry, to hard labor for the period of thirty days in the camp of his regiment.

5.—Private H. C. KOTH, Company D, 4th S. C. Cavalry.

CHARGE—Conduct prejudicial to good order and military discipline.

FINDING.

Of 1st Specification,
Of 2d Specification,
Of Charge,Not Guilty.
Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private H. C. Koth of Company D, of the fourth Regiment of South Carolina Cavalry, to hard labor, with ball and chain, for the period of six calendar months, at such place as the General commanding may direct.

6.—Private L. W. FOWLER, Company C, Phillips Legion.

CHARGE—Disobedience of orders.

FINDING.

Of Specification,
Of Charge,Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private L. W. Fowler of Company C, of the Phillips Legion of Cavalry, to be kept in charge of the guard of his brigade for the period of thirty days, and to be put at hard labor during each day of said time.

7.—Private J. P. DOBBS, Company C, Phillips Legion of Cavalry.

CHARGE—Disobedience of orders.

FINDING.

Of Specification,
Of Charge,Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private J. P. Dobbs of Company C, of the Phillips Legion of Georgia Cavalry, to be kept in charge of the guard of his brigade for the period of thirty days, and to be put at hard labor during each day of said time.

8.—Corporal JACOB WOOD, Company C, Phillips Legion.

CHARGE—Disobedience of orders.

FINDING.

Of Specification,
Of Charge,Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Corporal Jacob Wood of Company C, of the Phillips Legion of Georgia Cavalry, to be reduced to the ranks, and to hard labor under the guard of his brigade for the period of two calendar months, and to be kept under guard for said time.

9.—Private W. H. HODGES, Company D, Jeff. Davis Legion.

CHARGE—Absence without leave.

FINDING.

Of Specification,
except the words "without authority."
Of Charge,Guilty,
Guilty.

SENTENCE.

And the Court do therefore sentence him the accused, Private W. H. Hodges of Company D, of the Jeff. Davis Legion, to hard labor for the period of two calendar months, within the limits of his camp.

The Court are thus lenient, on account of the previous good character of the accused.

10.—Lieutenant A. R. RUCKER, Company A, Cobb Legion Cavalry.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Second Lieutenant A. R. Rucker of Company A, of the Cobb Legion of Cavalry, to be suspended from rank and pay for the period of three calendar months, and during said time to be confined to the camp of his regiment; but this shall not deprive him of the privilege of bearing arms in any engagement in which his command shall take part during said time.

VI. With the exceptions herein after indicated, the proceedings, findings and sentences in the foregoing cases are approved. The sentences are confirmed, and will be duly executed.

Lieutenant M. C. Dickson of the fourth Regiment of South Carolina Cavalry, will resume his sword.

The sentences of Privates W. M. Taylor and J. D. Taylor—both of Company G, of the fourth Regiment of South Carolina Cavalry, and of Private H. C. Koth of Company D, of the fourth Regiment South Carolina Cavalry, will be executed under the direction of the commanding officer at Richmond, Virginia, to whom they will be sent, with copies of their respective sentences.

In consideration of their previous excellent character as soldiers, for obedience and attention to duty, and the unanimous recommendation of the Court, the sentences of Privates J. P. Dobbs and L. W. Fowler of Company C, of the Phillips Georgia Legion of Cavalry, are remitted. They will be restored to duty.

VII. Before a General Court Martial, convened at the Camp of W. H. F. Lee's Cavalry Division, by virtue of Special Orders, No. 286, Head Quarters, Department of Northern Virginia (current series), were arraigned and tried the following named prisoners:

1.—Private JOHN P. TAYLOR, Company B, 9th Va. Cavalry.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private John P. Taylor of Company B, of the ninth Regiment of Virginia Cavalry, to be confined to the limits of his regimental camp, under guard, for the period of two calendar months, except when his regiment is on duty, and to be publicly reprimanded in Orders from Regimental Head Quarters.

The Court are thus lenient, on account of the extraordinarily good character of the accused, as developed in the proceedings of this case.

2.—Private JAMES A. TOLSON, Company A, 9th Va. Cavalry.

CHARGE—Absence without leave.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence the said Private James A. Tolson, Company A, ninth Regiment of Virginia Cavalry, to be confined at hard labor, under guard, on such public works of the Confederate States as the Commanding General may direct, for the period of one month.

3.—Private KING GRIFFIN, Company K, 3d N. C. Cavalry.

CHARGE—Desertion.

FINDING.

Of Specification,
Of Charge,Not Guilty.
Not Guilty.

And the Court do therefore acquit him Private King Griffin of Company K, of the third Regiment of North Carolina Cavalry.

VIII. With the exceptions herein after indicated, the proceedings, findings and sentences in the foregoing cases are approved. The sentences are confirmed, and will be duly executed.

The sentence of Private James A Tolson of Company A, of the ninth Regiment of Virginia Cavalry, will be duly executed, under the direction of his brigade commander, with his brigade. It is not deemed expedient to send culprits away from their commands for so short a period. This sentence appears inadequate.

The acquitted will be restored to duty.

While the confessions of an accused may be adduced by the prosecution as evidence, he cannot himself introduce his own statements, unless a part of the *res gestæ* as testimony in his favor. To depart from this rule of law would open the door to frauds; and it is therefore better that it should be adhered to strictly, especially as it can work no harm to the accused. In his final defence he can make such statements as he desires.

IX. Before a General Court Martial, convened at the Camp of Early's Division, by virtue of Special Orders, No. 102, Head Quarters, Valley District (current series), were arraigned and tried the following named prisoners:

1.—Private DRURY H. CREED, Company I, 21st Regiment N. C. Troops.

CHARGE—Conduct to the prejudice of good order and military discipline.

FINDING.

Of Specification,
Of Charge,Guilty.
Guilty.

SENTENCE.

And the Court do therefore sentence him Private Drury H. Creed of Company I, of the twenty-first Regiment of North Carolina Troops, to do fatigue duty in the regiment and brigade to which he belongs for four hours each day for forty-two days (Sundays excepted), and once each week during said forty-two days, to be marched up and down in front of the regiment to which he belongs, while on dress parade, with a placard

on his back, reading as follows—"for selling captured property," in large letters; and for the residue of the time, during said forty-two days, to be confined at the guard station of said brigade.

2.—Private PAULUS P. TYREE, Company I, 49th Va. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification, of absence without leave from the seventeenth day of June eighteen hundred and sixty-four to the twelfth day of July eighteen hundred and sixty-four, but not guilty of absence without leave from the twelfth day of July to the sixteenth day of October eighteen hundred and sixty-four.	Guilty .
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Of Charge,	Guilty.
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SENTENCE.

And the Court do therefore sentence him the said Private Paulus P. Tyree of Company I, of the forty-ninth Regiment of Virginia Infantry, to forfeit four calendar months' pay, and to do fatigue duty in his regiment and brigade for four weeks (Sundays excepted), for four hours each day, and be marched along the front of the regiment to which he belongs, on the publication of this sentence, at dress parade, with a placard on his back, reading as follows—"absence without leave."

3.—Private HARRIS C. MILLS, Company H, 54th N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,	Not Guilty.
Of Charge,	Not Guilty.

And the Court do therefore acquit the said Private Harris C. Mills of every part of said charge and specification.

The Court thus finds, because it is satisfied that the accused returned to the regiment to which he belongs under the proclamation of his Excellency Zebulon B. Vance, Governor of the State of North Carolina, referred to in the evidence.

4.—First Lieut. HENRY A. WOOD, Company K, 49th Va. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,	Guilty.
Of Charge,	Guilty.

SENTENCE.

And the Court do therefore sentence him First Lieutenant Henry A. Wood of Company K, of the forty-ninth Regiment Virginia Infantry, to be reprimanded in Orders from the commander of the brigade to which the forty-ninth Virginia Regiment belongs—said reprimand to be published at dress parade of said regiment.

5.—Private JAMES SPENCER, Company I, 49th Va. Regiment.

CHARGE 1st—Absence without leave.

CHARGE 2d—Insubordination.

FINDING.

Of Specification of 1st Charge,	Guilty.
Of 1st Charge,	Guilty.
Of Specification of 2d Charge,	Guilty.
Of 2d Charge,	Guilty.

SENTENCE.

And the Court do therefore sentence him Private James Spencer of Company I, of the forty-ninth Virginia Regiment, to forfeit all pay for the period of five years, and to be kept at hard labor upon such public works as the commanding officer of this Department shall designate, for the period of five years, wearing a ball and chain attached to his left leg—said ball weighing twelve pounds, and said chain being five feet in length.

6.—Corporal JOHN A. FARRER, Company F, 49th Va. Regiment.

CHARGE—Absence without leave

FINDING.

Of Specification,	Guilty.
Of Charge,	Guilty.

SENTENCE.

And the Court do therefore sentence him Corporal John A. Farrer of Company F, of the forty-ninth Regiment of Virginia Infantry, to be reduced to the ranks, and to forfeit one calendar month's pay.

7.—Private JESSE W. AMBRON, Company F, 21st N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,	Guilty.
Of Charge,	Guilty.

SENTENCE.

And the Court do therefore sentence him Private Jesse W. Ambron of Company F, of the twenty-first Regiment of North Carolina Troops, to be confined at hard labor in a penitentiary for the period of five years.

8.—Private ROBERT W. COOK, Company F, 21st N. C. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,	Guilty,
with the exception of the words "to the regiment to which he belongs, at Camp Ramseur, State of Virginia."	
Of Charge,	Guilty.

SENTENCE.

And the Court do therefore sentence him the said Private Robert W. Cook of Company F, of the twenty-first Regiment of North Carolina Troops, to be confined at hard labor in a penitentiary for the period of five years.

9.—Private WILLIAM F. COVINGTON, Company H, 6th N. C. Regiment.

CHARGE 1st—Disrespect to his superior officer.

CHARGE 2d—Mutinous conduct.

FINDING.

Of Specification of 1st Charge,

Not Guilty.

Of 1st Charge,

Not Guilty.

Of Specification of 2d Charge,

Not Guilty.

Of 2d Charge,

Not Guilty.

And the Court do therefore acquit the accused, Private William F. Covington of Company H, of the sixth Regiment of North Carolina Troops, of every part of the aforesaid charges and specifications.

10.—J. HOWARD SMITH, Acting Lieut. and Ord. Officer, Godwin's Brigade.

CHARGE—Conduct unbecoming an officer and a gentleman.

FINDING.

Of Specification,

Guilty.

Of Charge,

Not Guilty

of conduct unbecoming an officer and a gentleman, but guilty of conduct prejudicial to good order and military discipline.

SENTENCE.

And the Court do therefore sentence him J. Howard Smith, Acting Lieutenant and Ordnance Officer of Lewis' (formerly Godwin's) Brigade, to be suspended from his rank and pay for four calendar months, and to be privately reprimanded by his brigade commander.

X. The proceedings, findings and sentences in the foregoing cases, except as herein after indicated, are approved. The sentences are confirmed, and will be duly executed.

The acquitted will be restored to duty.

The sentences of Private James Spencer of Company I, of the forty-ninth Virginia Regiment, and of Privates Jesse W. Ambrow and Robert W. Cook of Company F, of the twenty-first North Carolina Regiment, will be executed under the direction of the commanding officer at Richmond, Virginia, to whom they will be sent, with copies of their respec-

tive sentences. It is impracticable to send military culprits to the penitentiary.

The finding in the case of Private Harris C. Mills of Company H, of the fifty-fourth North Carolina Regiment, is disapproved. The proclamation of Governor Vance was issued in furtherance and pursuance of General Orders, No. 54, Head Quarters, Department of Northern Virginia (current series), and must be construed as this is. This promises no pardon or amnesty. The Governor of a State cannot pardon an offence against the Confederate States. While, therefore, the proclamation may afford good grounds for the mitigation of a sentence or for the recommendation of its remission, it does not warrant an acquittal.

XI. Before a General Court Martial, convened for Gordon's Division, by virtue of Special Orders, Nos. 100 and 104, Head Quarters, Valley District (current series), were arraigned and tried the following named prisoners):

1.—Private R. P. HALL, Company H, 38th Ga. Regiment.

CHARGE—Cowardice.

FINDING.

Of Specification,
Of Charge,

Guilty.
Not Guilty.

In consideration of the previous good character of the accused, his subsequent good conduct during the engagement of the nineteenth of October last, and the extenuating circumstances of the case, the Court attach no criminality to the offence; and the Court do therefore acquit him Private R. P. Hall of Company H, of the thirty-eighth Georgia Regiment of Infantry.

2.—Captain JOHN A. RUSSELL, Company C, 5th La. Regiment.

CHARGE—Striking a soldier without provocation.

FINDING.

Of Specification,
excepting the words "without provocation."
Of Charge,
excepting the words "without provocation."

Guilty,
Guilty,

But in consideration of the circumstances, the Court attach no criminality to the offence; and the Court do therefore honorably acquit him Captain John A. Russell of Company C, of the fifth Louisiana Regiment of Infantry.

3.—Sergeant Major A. B. HARSKYNS, 10th La. Regiment.

CHARGE—Using violent and seditious language.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

But the Court do decline attaching any penalty to the offence, as it does not appear that the accused intended to create sedition or insubordination among the men; and the evidence shows that there were no men present at the time, and the language used was only in a "grumbling or murmuring tone." The Court do therefore acquit him Arthur B. Harskyns, Sergeant Major of the tenth Louisiana Regiment of Infantry.

4.—Private W. G. MOORE, Company C, 13th Ga. Regiment.

CHARGE 1st—Straggling.
CHARGE 2d—Disobedience of orders.

FINDING.

Of Specification of 1st Charge,
Of 1st Charge,
Of Specification of 2d Charge,
Of 2d Charge,

Guilty.
Guilty.
Guilty.
Guilty.

SENTENCE.

And the Court do therefore adjudge him Private Willis G. Moore of Company C, of the thirteenth Georgia Regiment of Infantry, to be placed at hard labor for sixty days, with a ball and chain weighing twelve pounds attached to his left leg, under the supervision of the officer commanding the provost guard of General Gordon's division.

5—Second Lieutenant J. M. DUNAWAY, Company E, 31st Ga. Regiment.

CHARGE—Neglect of duty.

FINDING.

Of Specification,
Of Charge,

Guilty.
Guilty.

SENTENCE.

And the Court do therefore adjudge him Second Lieutenant J. M. Dunaway of Company E, of the thirty-first Georgia Regiment, to be suspended from rank and pay for the period of five days, and to be publicly reprimanded on dress parade, in Orders, by his regimental commander.

6.—Private S. C. TILMAN, Company K, 44th Va. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,
excepting the word "desert;" inserting in lieu thereof
"absent himself from;" and excepting the words and

Guilty,

figures "28th day of September," inserting in lieu thereof "fifteenth day of October."

Of Charge,	Not Guilty
of desertion, but guilty of absence without leave.	

SENTENCE.

And the Court do therefore adjudge him Private Samuel C. Tilman of Company K, of the forty-fourth Regiment of Virginia Infantry, to be placed at hard labor for the period of thirty days, under the supervision of the officer commanding the provost guard of Gen. Gordon's division.

7.—Private W. D. BAILEY, Company F, 5th Va. Regiment.

CHARGE—Desertion.

FINDING.

Of Specification,	Guilty.
Of Charge,	Guilty.

SENTENCE.

And the Court do therefore adjudge him Private William D. Bailey of Company F, of the fifth Regiment of Virginia Infantry, to be placed at hard labor for the period of twelve months, with a ball and chain weighing twelve pounds attached to his left leg, at such place as the Lieutenant General commanding may direct.

8.—Private HENRY JERNIGAN, Company D, 26th Ga Regiment.

CHARGE 1st—Cowardice.

CHARGE 2d—Absence without leave in time of action.

FINDING.

Of Specification of 1st Charge,	Guilty.
Of 1st Charge,	Guilty.
Of Specification of 2d Charge,	Guilty.
Of 2d Charge,	Guilty.

SENTENCE.

And the Court do therefore adjudge him Private Henry Jernigan of Company D, of the twenty-sixth Regiment of Georgia Infantry, to be placed at hard labor for the period of two months, at such place as the Lieutenant General commanding may direct.

9.—Private ROBERT DRAIN, Company H, 27th Va. Regiment.

CHARGE—Absence without leave.

FINDING.

Of Specification,	Guilty,
excepting the words and figures "on or about the 27th day of May," and the words "on the march from Spotsylvania courthouse to Hanover Junc-	

tion;" and inserting in lieu thereof, "from the 1st day of July till on or about the 4th day of September."

Of Charge,

Guilty.

SENTENCE.

And the Court do therefore adjudge him Private Robert Drain of Company H, of the twenty-seventh Regiment of Virginia Infantry, to be placed at hard labor for the period of two months, under the supervision of the officer commanding the provost guard of Gen. Gordon's division.

XII. The proceedings, findings and sentences in the foregoing cases are approved. The sentences are confirmed, and with the exceptions herein after indicated, will be duly executed.

The acquitted will be restored to duty.

The sentence of Private Robert Drain of Company H, of the twenty-seventh Virginia Regiment, is remitted, in consideration of his subsequent good conduct, other circumstances developed on the trial, and the recommendation of the majority of the Court. He will be restored to duty.

The sentence of Private W. D. Bailey of Company F, of the fifth Virginia Regiment, and of Private Henry Jernigan of Company D, of the twenty-sixth Georgia Regiment, will be executed under the direction of the commanding officer at Richmond, to whom they will be sent, with copies of their respective sentences.

By command of Gen. R. E. LEE.

W. H. TAYLOR,
A. A. General.

Hollinger Corp.
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